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10/036,029

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Brian R. Stork

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04/29/2004

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EXAMINER

WEEKS, GLORIA R

ART UNIT

PAPER NUMBER

3721

DATE MAILED: 04/29/2004

8

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|--------------------------------------|-------------------------------------|--|
| Office Action Summary | Application No. 10/036,029 | Applicant(s) STORK ET AL. | |
| | Examiner Gloria R Weeks | Art Unit 3721 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 February 2004.
 2a) ☒ This action is **FINAL**. 2b) ☒ This action is non-final.
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6,9 and 12-21 is/are pending in the application.
 4a) Of the above claim(s) 21 is/are withdrawn from consideration.
 5) ☒ Claim(s) 19 is/are allowed.
 6) ☒ Claim(s) 1-6,9,12-18 and 20 is/are rejected.
 7) ☐ Claim(s) _____ is/are objected to.
 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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Response to Amendment

1. This action is in response to Applicants' amendment received on February 19, 2004.

Claim Objections

2. Claim 1 is objected to because of the following informalities: line 19 is missing the article "a" prior to the phrase "film sealing and cutting apparatus". Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-6, 9, and 12-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fosshage (USPN 5,894,709) in view of Omori (USPN 5,337,542) and Neagle et al. (USPN 6,484,475).

In reference to claims 1-6, 9, and 12-17, Fosshage discloses a selectively reconfigurable shrink-wrap machine for use with a loading device for individually wrapping products sequentially comprising: a sensor (column 13, lines 43-50) associated with propelling means (14); a film supply (18); a wrapping station (26; column 6, lines 41-55); a first conveyor (13) for carrying products wrapped in the film material (20) between the wrapping station (26) and the sealing and cutting station (29); a second conveyor (30); the film sealing and cutting apparatus (29) having an upper head (39) and lower head (80), at least one head which is driven for

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movement into and out of engagement with the other head by a servomotor (column 11, lines 28-29), the second conveyor (30) being disposed adjacent the film sealing and cutting apparatus (29) for receiving wrapped products (A) sequentially from the sealing and cutting apparatus (29) as they are delivered from the first conveyor (13); a selectively programmable microprocessor-driven control system having a touch sensitive viewing and controlling means permitting an operator to selectively input a plurality of dimensions and parameters (column 12, lines 9-18). Both the first (13) and second (30) conveyor are driven by servomotors (column 11, lines 21-24).

Fosshage discloses the upper and lower heads (39, 80) being driven in a closed, predetermined, circular path (figure 2), but doesn't disclose the upper and lower heads maintaining a fixed angle of orientation relative to a direction of movement of products (A) along the first conveyor (13). Omori teaches a shrink-wrap machine for wrapping individual products (3) comprising a loading device (15); a film supply (8); a wrapping station (14); a first (16) and second conveyor (48); and a film sealing and cutting apparatus having an upper (35) and lower head (36) driven for movement in and out of engagement with one another effecting a seal between adjacent products (figure 5), the upper (35) and lower head (36) maintaining a fixed angle of orientation (figure 4-5) relative to a direction of movement of the products. It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the film sealing and cutting apparatus of Fosshage to include film sealing and cutting apparatus of Omori for since the examiner takes Official Notice of the equivalence of seal head with a fixed angle of orientation and a seal head with a variable angle of orientation for their use in the sealing art and the selection of any of these known equivalents to seal a continuous web of material would be within the level of ordinary skill in the art.

Fosshage does not disclose a loading device and a variation in the speeds between the loading device, the first conveyor, and the second conveyor. Neagle et al. teaches a shrink-wrap machine comprising: a loading device (12) which is driven at a velocity greater than that of a first conveyor (38), and a second conveyor (40) being driven at a lower velocity than the first conveyor (38) for the purpose of having a continuous process of packaging while allowing each station to which the conveyors are connected to process the articles being packaged at different rates. It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the shrink-wrap machine of Fosshage to include the loading device and conveyors of different velocities taught by Neagle et al. for the purpose in which the loading device and conveyors are used in Neagle et al. (column 5, lines 5-33)

The modified shrink-wrap machine of Fosshage in view of Neagle et al. teaches a loading device (Neagle et al.-12) coordinated and synchronized (Neagle et al.-column 5, lines 1-4) with the first conveyor (Fosshage-13; Neagle et al.-38) whereby the sensor generates signals for synchronization (Fosshage-column 13, lines 43-50; Neagle et al.-column 3, line 65-column 4, line 7; column 5, lines 30-33).

5. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fosshage (USPN 5,894,709) in view of Omori (USPN 5,337,542) and Neagle et al. (USPN 6,484,475) as applied to claim 1 above, and further in view of Dean (USPN 3,795,370).

Regarding claim 18, the modified apparatus of Fosshage discloses a shrink-wrap machine wherein the film supply (Fosshage-19) including a film delivery apparatus having a vertical

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support member , a spindle member including a non-rotatable central shaft (Fosshage-shaft reel 19 is suspended on) with a proximal end to the vertical support member, an outside shaft (Fosshage-core of reel 19), and an adjustment collar. Fosshage does not disclose a locking nut threadedly engaged with the central shaft. Dean teaches a film delivery apparatus for a film supply (7) having a spindle member (9) having an adjustment collar (52) with a locking nut (76) for the purpose of locking a film supply (7) in various axial locations along the spindle member (column 3, line 65-column 4, lines 14). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the film delivery apparatus of Fosshage to include the locking nut of Dean for the purpose of ensuring proper axial positioning of the film supply along the spindle member.

6. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fosshage (USPN 5,894,709) in view of Omori (USPN 5,337,542) and Sautter et al. (USPN 5,779,470).

In reference to claim 20, Fosshage discloses a selectively reconfigurable shrink-wrap machine for use with a loading device for individually wrapping products sequentially comprising: a loading conveyor (13) that sequentially delivers products (A) to a wrapping apparatus (10) and includes lugs (14) for propelling the products (A) to the wrapping apparatus (10); a sensor (column 13, lines 43-50) associated with propelling means (14); a film supply (18); a wrapping station (26; column 6, lines 41-55) for enclosing the products (A) within a tube (27); a sealing device (column 6, lines 50-58) for establishing a continuous seam along the overlapping region of the tube (27); an exit conveyor (30); the film sealing and cutting apparatus (29) having an upper head (39) and lower head (80), at least one head which is driven for movement into and out of engagement with the other head by a servomotor (column 11, lines 28-

29) and maintaining a fixed angle of orientation relative to a direction of movement of products (A) along a conveyor (13); a selectively programmable microprocessor-driven control system having a touch sensitive viewing and controlling means permitting an operator to selectively input a plurality of dimensions and parameters (column 12, lines 9-18). Both the loading (13) and exit (30) conveyor are driven by servomotors (column 11, lines 21-24). Fosshage also discloses the upper and lower heads (39, 80) being driven in a closed, predetermined, circular path (figure 2).

Fosshage discloses the upper and lower heads (39, 80) being driven in a closed, predetermined, circular path (figure 2), but doesn't disclose the upper and lower heads maintaining a fixed angle of orientation relative to a direction of movement of products (A) along the first conveyor (13). Omori teaches a shrink-wrap machine for wrapping individual products (3) comprising a loading device (15); a film supply (8); a wrapping station (14); a first (16) and second conveyor (48); and a film sealing and cutting apparatus having an upper (35) and lower head (36) driven for movement in and out of engagement with one another effecting a seal between adjacent products (figure 5), the upper (35) and lower head (36) maintaining a fixed angle of orientation (figure 4-5) relative to a direction of movement of the products. It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the film sealing and cutting apparatus of Fosshage to include film sealing and cutting apparatus of Omori for since the examiner takes Official Notice of the equivalence of seal head with a fixed angle of orientation and a seal head with a variable angle of orientation for their use in the sealing art and the selection of any of these known equivalents to seal a continuous web of material would be within the level of ordinary skill in the art.

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Fusshage does not disclose a vacuum conveyor. Sautter et al. teaches a shrink wrapping machine having a vacuum conveyor (3 for the purpose of drawing the tube of wrapping material over the article, as well as drawing the wrapped article against the conveyor (column 4, line 67-column 5, lines 10; column 11, lines 2-7). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the shrink wrapping machine of Fosshage to include the vacuum conveyor of Sautter et al. for the purposes taught by Sautter et al. As a result of the location of the wrapping apparatus and the purpose of the modification to include the vacuum conveyor, the limitations regarding the location of the vacuum conveyor are deemed to have been met.

Allowable Subject Matter

7. Claim 19 is allowed.

Response to Arguments

8. Applicant's arguments with respect to claims 1-6, 9, and 12-20 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Refer to attachment for notice of references cited and recommended for consideration based on their disclosure of limitations of the claimed invention.

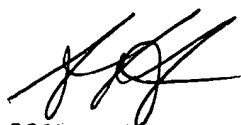
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gloria R Weeks whose telephone number is (703) 605-4211. The examiner can normally be reached on 7:30 am - 6:00 pm Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi I Rada can be reached on (703) 305-2187. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-1789.

Gloria R Weeks
Examiner
Art Unit 3721

grw
grw


SCOTT A. SMITH
PRIMARY EXAMINER